

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Telecommunications Relay Services)	
And Speech-to-Speech Services for)	CC Docket No. 98-67
Individuals with Hearing and Speech)	
Disabilities)	CC Docket No. 03-123

**COMMENTS OF SBC COMMUNICATIONS, INC TO PUBLIC NOTICE SEEKING
COMMENT ON EXPIRATION OF WAIVER OF THREE-WAY CALLING
REQUIREMENT FOR PROVIDERS OF TRS**

SBC Communications, Inc (“SBC”), on behalf of its affiliates, hereby responds to the Public Notice in the foregoing docket.¹ SBC supports an extension of the waiver of the requirement that telecommunications relay service (“TRS”) providers offer three-way calling until the industry develops the necessary technology to enable TRS provider to facilitate three-way calls.

In the *TRS Order*,² the Commission determined that TRS providers currently offer three-way calling in one of two ways: (1) the Communications Assistant (“CA”), upon request, sets up the call with the other two parties, or (2) the TRS user sets up the call using the flash button process traditional telephony users employ, and then dials 711 to bridge on the CA for

¹PUBLIC NOTICE, Federal Communications Commission Seeks Comment on Expiration of Waiver of Three-way Calling Requirement for Providers of Telecommunications Relay Services (TRS), DA 04-3709, (rel. Nov. 30, 2004).

² *Telecommunications Relay Service and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Second Report and Order, Order on Reconsideration, and Notice of Proposed Rulemaking, CC Docket No. 98-67, CG Docket No. 03-123 (“NPRM”), FCC 03-123, 18 FCC Rcd 12379 (June 17, 2003).

facilitation of the call. Because the record reflected that three-way calling is technically feasible, the Commission required three-way calling as a minimum standard for TRS.³

Several parties filed petitions seeking clarification of or waiver of the three-way calling requirement for TRS providers.⁴ In response to those petitions, the Commission waived the three-way calling requirement for TRS providers for one-year, until February 24, 2005.⁵ In this Public Notice, the FCC seeks comment on whether TRS providers will be able to offer three-way calling on February 24, 2005 or whether it should extend the waiver. Additionally, the FCC seeks comment on whether, instead of a waiver, the three-way calling requirement should be modified or clarified and, if so, how.

Extension of the waiver is warranted. Presently, SBC's TRS platform cannot set-up three-way calls because SBC's TRS switches are not equipped with the necessary functionality. Currently, the only way a three-way call can be set up during a relay call is for one of the calling or called parties to have a subscription to a LEC three-way calling feature, and activating it at their end to add another person to the call. To the best of our knowledge the necessary software to perform this functionality for TRS platforms have not been developed by the industry. Thus, until such technology is developed, continued waiver of the three-way requirement for TRS providers is necessary.⁶

³ *Id.* ¶73.

⁴ See *AT&T Petition for Limited Reconsideration and for Waiver*, CC Docket No.98-67, CG Docket No.03-123, filed September 23, 2003; and *Petition for Reconsideration of Verizon*, CC Docket 98-67, CG Docket No.03-123, filed September 29, 2003.

⁵ *Telecommunications Relay Service and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Order, CC Docket 98-67, DA 04-465, 19 FCC Rcd 2993 (Feb. 24, 2004).

⁶ Before any Commission waiver of the three-way calling requirement expires, the Commission should clarify that TRS providers participating in the facilitation of a three-way call in one of the two ways identified in the *TRS Order* (described above) satisfies the Commission's requirement

For the reasons herein, SBC supports an extension of the waiver of the three-way calling requirement for TRS providers.

Respectfully Submitted

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that a TRS provider “offer three-way calling.” Further, the Commission should clarify that under both processes identified, the TRS provider is not “providing” three-way calling, but rather facilitating the relay of the voice and/or text messages (and the set up in some instances) among the three participants to the call. The Commission incorrectly describes this process as the TRS provider “offering three-way calling,” but the TRS user, in fact, is obtaining this feature from its local exchange carrier, not the TRS provider. To the extent a TRS user has not subscribed to three-way calling from the LEC, the TRS provider would be incapable of setting up or participating in a three-way call. *See* Comments of SBC Communications Inc. to Petitions for Reconsideration, (filed October 20, 2003).